



City of Somerville

PLANNING BOARD

City Hall 3rd Floor, 93 Highland Avenue, Somerville, MA 02143

SEP 3 A 10:04

DECISION

CITY CLERK'S OFFICE
SOMERVILLE, MA

PROPERTY ADDRESS: 153 South Street
CASE NUMBER: P&Z 21-097
OWNER: Boynton Yards LandCo LLC
OWNER ADDRESS: 10 Post Office Square, Boston, MA 02109
DECISION: Approved with Conditions (MPSP)
DECISION DATE: January 20, 2022

This decision summarizes the findings made by the Planning Board regarding the development review application submitted for 153 South Street.

LEGAL NOTICE

Boynton Yards LandCo LLC seeks approval of a major amendment to a previously approved Master Plan Special Permit (MPSP2020-002).

RECORD OF PROCEEDINGS

On January 20, 2021 the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting were Planning Board members Chair Michael Capuano, Clerk Rob Buchanan, Jahan Habib, Erin Geno, and alternates Debbie Howitt-Easton and Russell Plides. Boynton Yards LandCo LLC provided an overview of the proposed Master Plan amendment. After a presentation by the development team, the Board asked questions around utility infrastructure and if shadow studies were developed. After discussion, the Chair opened-up public testimony. Public testimony provided was in-support of the project and Somerville Groundworks made a comment that they want to ensure that with development of the district, they want to remain in the neighborhood. After public testimony, the Board asked if the development team has been coordinating with the adjacent developer at 600 Windsor Pl around thoroughfare access. After discussion, the Chair moved to approve the major amendment to Master Plan Special Permit.

CONSIDERATIONS & FINDINGS

1. *The comprehensive plan and existing policy plans and standards established by the City.*

The Board finds that the proposed changes and revisions to the previously approved Master Plan are consistent and will help to achieve the following from SomerVision, the comprehensive Master Plan of the City of Somerville:

- Make Somerville a regional employment center with a mix of diverse and high-quality jobs.

- Support a business-friendly environment to attract and retain a diverse mix of businesses that can start here, grow here and stay here.
- Invest in the talents, skills, and education of people to support growth and provide opportunities to residents of all social and economic levels.
- Link our corridors, squares, and growth districts to support future development and economic activity.
- Transform key opportunity areas [], Boynton Yards and [] portion of Union Square into dynamic, mixed-use, and transit-oriented districts that serve as economic engines to compliment the neighborhoods of Somerville.
- Design and maintain a healthy and attractive public realm that fosters community connection, including streets, sidewalks, and other public spaces.
- Increase the recognition of Somerville as a center of arts and creativity.
- Expand bike and pedestrian use by transforming existing infrastructure with accommodations for all bicyclists and pedestrians, resulting in safe, accessible, and well-connected networks.

2. The intent of the zoning district where the property is located

The Board finds that the proposed changes and revisions to the previously approved Master Plan meets the key objectives of SomerVision for transformation redevelopment in the Boynton Yards sub-area district; contributes towards the evolution of Union Square into an Urban Employment Center; and supports the street network, civic spaces, and commercial building objectives of the Boynton Yards Urban Design Framework.

The Board finds that the proposed changes and revisions to the previously approved Master Plan are consistent with the Boynton Yards Urban Design Framework which, is in, part, to permit denser development than would otherwise be permitted in the Mid-Rise and High-Rise districts; to require a minimum percentage of developed floor space to be set aside of occupancy by non-residential principal uses; and to constrain the supply of motor vehicle parking spaces to encourage the use of public transit, bicycles, and walking in lieu of driving.

3. The proposed alignment and connectivity of the Thoroughfare network.

The Board finds that the proposed changes and revisions to the previously approved Master Plan does not propose any changes to the alignment and connectivity of the Thoroughfare network from the approved MPSP. As depicted in the previous approved MPSP, the new thoroughfare will extend Windsor Place to Harding Street, consistent with the alignment and connectivity of the desired future condition street network planned in the Union Square Neighborhood Plan and required by the Boynton Yards sub-area of the MPD overlay district and the Boynton Yards UDF.

4. The Gross Floor Area allocated to different use categories.

The Board finds that the proposed changes and revisions to the previously approved Master Plan sustains the allocation of gross floor area to different uses of at least 75% to non-residential uses, 10% reserved for ACE space, and 5% reserved for a community center. One hundred forty one thousand and two hundred (141,200) will be provided as arts and creative space (ACE), which complies with Section 8.4.12.e.ii.a. The plan also includes 20,000 SF, which is the maximum sized community center required which complies with Section 8.4.2.e.ii.b.

5. Mitigation proposed to alleviate any adverse impacts on utility infrastructure.

The Board finds that the proposed changes and revisions to the previously approved Master Plan regarding infrastructure improvements do not create any adverse impacts on existing utilities and that proposed improvements are in accordance with all City standards.

6. Proposed development phasing.

The Board finds that the proposed changes and revisions to the phasing plan of the previously approved Master Plan establishes a logical order of development.

7. Proposed on-street parking to address demand by customers of Retail Sales, Food & Beverage, or Commercial Services principal uses.

The Board finds that the proposed changes and revisions to the previously approved Master Plan are providing enough on-street parking to address demand by customers or Retail sales, Food & Beverage, or Commercial Services principle uses.

PERMIT CONDITIONS

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the **MAJOR AMENDMENT** to a previously approved Master Plan Special Permit. Clerk Rob Buchanan seconded. The Board voted 6-0 to approve the permit, subject to the following conditions:

Perpetual

- This Decision supersedes the previously issued Master Plan Special Permit Decision (MPSP 2020-0002) dated February 4, 2021.
- This Decision certifies that development may proceed in accordance with the standards of the Boynton Yards sub area of the Master Planned Development overlay district and the superseding zoning districts specified in Map 8.3.12(a) of the Somerville Zoning Ordinance.
- Applying for development review for any proposed thoroughfares, civic space, or building type identified in the submitted Master Plan, constitutes substantial use of this MPSP for the purpose of subsequent development entitlement.

- Changes to the number or general configuration of lots; the types of thoroughfares, civic spaces, or building types; development phasing; the commercial GFA, ACE space GFA, or residential GFA; number of DUs, ADUs, or 3BR ADUs, or size or location of the community center is a major amendment to the approved Master Plan.
- Development must comply with the Amended and Restated Development Covenant by and between the City of Somerville and Boynton Yards LandCo, LLC dated Month XX, 2022 as amended.
- The property owner and applicable future tenants shall comply with the Amended Master Mobility Management Plan (MMP), as approved and conditioned by the Director of Mobility on August 4, 2021.
- Development must proceed as identified in Phase 1 (Section 1.7.1; Figure 1.12a Phasing Plan – Phase 1), Phase 2 (Section 1.7.2; Figure 1.12b Phasing Plan – Phase 2), and Phase 3 (Section 1.7.3; Figure 1.12c – Phasing Plan – Phase 3) of the approved Master Plan except that Civic Space 2 is moved to Phase 3. Civic Space 2 may be permitted and development at any time during Phase 3 at the discretion of Boynton Yards LandCo, LLC.
- Perspective views oriented from the Prospect Hill Monument looking toward Boynton Yards and beyond must be submitted with each Design Review and Site Plan Approval application. Views from other prominent vantage points within the Union Square plan area oriented toward Boynton Yards should also be provided to every extent practicable.
- Boynton Yards Land Co, LLC may not apply for Site Plan Approval of any thoroughfare, civic space, or building in a succeeding phase until all thoroughfares, civic spaces, and buildings have received a construction permit (BP, CSP, or TP) for the preceding phase.
- A written narrative or descriptive checklist identifying the completion or compliance with these conditions must be submitted with each Site Plan Approval application.
- Land Platting must result in a number and general configuration of lots and rights-of-way that is substantially equivalent to Figure 1.4 of the approved Master Plan.
- Boynton Yards LandCo, LLC must maintain any sidewalk level protected bicycle facility, including but limited to snow clearance, debris removal, and replacement of markings and delineators as needed, for any portions of the facility along the frontage of the development site that are not at street level.
- The general alignment, connectivity, right-of-way width, and geometry of thoroughfares must be substantially equivalent to the thoroughfares shown in the approved Master Plan.
- The design of Thoroughfare 1 (“Archibald Query Way”) and any improvements to existing thoroughfares must include measures that use plant or soil systems, permeable pavements or other permeable surfaces or substrates, stormwater harvest and reuse, landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters to every extent practicable.

- The design of Civic Space 2 must not preclude the inclusion of a pedestrian bridge over the MTBA Fitchburg/Green Line rail right of way. This condition is voided upon the permitting or development of a pedestrian bridge at Civic Space 3.
- The design of Civic Space 3 must not preclude the inclusion of a pedestrian bridge over the MTBA Fitchburg/Green Line rail right of way. This condition is voided upon the permitting or development of a pedestrian bridge at Civic Space 2.
- Twenty thousand (20,000) gross square feet of commercial floor space must be reserved for a community center principal use(s) in Buildings 6A or 6B with direct egress to either Civic Space Lot C2 or C3. The community center space must be identified on floor plans submitted for Site Plan Approval.
- A total of one hundred forty one thousand and two hundred (141,200) gross square feet of commercial floor space must be reserved for uses from the arts and creative enterprise (ACE) principal use categories by the completion of Phase 3 (final building Certificate of Occupancy).
- ACE floor space may be allocated to any building at the discretion of Boynton Yards LandCo, LLC.
- The estimated floor space intended for ACE uses and summary data addressing satisfaction of this condition must be identified on floor plans submitted for the Site Plan Approval of each building.
- The actual floor space provided for ACE uses and summary data addressing satisfaction of this condition must be identified on floor plans submitted to the Inspectional Services Department.
- A total of one thousand one hundred and seventeen (1,117) parking spaces are permitted and may be allocated to any lot or building at the discretion of Boynton Yards LandCo, LLC.

Phase 2

- To mitigate transportation impacts, a traffic signal warrant analysis for the intersection of South St. and Medford St. must be submitted to the Mobility Division. If the Director of Mobility determines that a traffic signal is warranted, the intersection must be improved with the necessary signal infrastructure. Final design must be approved by relevant City departments.
- To mitigate transportation impacts, the intersection of Windsor St and Windsor Pl must be improved with, at least, interconnected curb separated bicycle facilities, pedestrian safety and infrastructure improvements, and a specialized gateway treatment for Thoroughfare 1. Final intersection design must be approved by relevant City departments.
- To mitigate transportation impacts, the intersection of South St. & Windsor St. must be improved with, at least, protected or dedicated bicycle intersection treatments. Final intersection design must be approved by relevant City departments.
- To mitigate transportation impacts, the northern side of South St. and the eastern side of Windsor St. must be improved with a curb separated protected bikeway or

substantial equivalent. Final design must be approved by relevant City departments.

- To mitigate transportation impacts, South St. between Harding St. and Medford St. must be improved as a one-way eastbound throughfare with a two-way bicycle facility on one side of the street. Final design must be approved by relevant City departments.
- To mitigate transportation impacts, the intersection of South St. & Harding St. must be improved to, at minimum, to interconnect the required bicycle facilities of each segment of South Street. Final intersection design must be approved by relevant City departments.
- To mitigate transportation impacts, the intersection of Medford St. and South St. must be improved to, at minimum, interconnect the required bicycle facility of South St. with the City's design for improvements to Medford St. and related pedestrian safety improvements. Final intersection design must be approved by relevant City departments.
- To mitigate transportation impacts, the intersection of Ward St. & Harding St. must be improved in a manner that permits the later extension of Harding Street northward. Final intersection design must be approved by relevant City departments.
- To mitigate transportation impacts, the intersection of Medford St. & Ward St. must be improved to interconnect with the City's design for improvements to Medford St. and related pedestrian safety improvements. Final intersection design must be approved by relevant City departments.

Phase 3

- To mitigate transportation impacts, the western side of Windsor St (along the frontage of Building 4) must be improved with, at minimum, a curb separated protected bikeway. Final design must be approved by relevant City departments.
- To mitigate transportation impacts, Windsor Pl./Columbia St from the intersection of Windsor Pl and Windsor St extending westward to the intersection of Columbia St. and Webster Ave. must be improved in a manner that establishes a new roadway centerline alignment, permits the interconnection of other planned and permitted bicycle improvements for the subject roadway, and includes a curb separated protected bikeway along the Windsor Pl. frontage. Final design must be approved by relevant City departments.
- To mitigate transportation impacts, the intersection of Earle St and South St must be improved with, at least, a raised pedestrian and bicycle crossing across Earle St. Final intersection design must be approved by relevant City departments.
- To mitigate transportation impacts, the intersection of Harding St and South St must be improved with, at least, a raised pedestrian and bicycle crossing across the north side of Harding Street. Final intersection design must be approved by relevant City departments.
- To mitigate transportation impacts, two (2) pedestrian crosswalks must be provided across Harding St to both sides of the Ward St. intersection. Final intersection design must be approved by relevant City departments.

Construction Permitting

- A physical copy of this recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record prior to any additional permitting
- One (1) physical copy of the Master Plan Amendment application materials and one (1) digital and (1) physical copy of all required application materials reflecting any plan changes required by the Board, if applicable, must be submitted to the Planning, Preservation, & Zoning Division for the public record prior to any additional permitting.
- Boynton Yards LandCo LLC must post a performance bond for one hundred and twenty five percent (125%) of the total estimated costs to design and construct Civic Space 1, Civic Space 2, Civic Space 3, and all conditioned transportation impact mitigation prior to applying for any building permit, thoroughfare permit, or civic space permit for development subject to the approved Master Plan.
- Civic Space 1 must be dedicated to the public by a covenant or other deed restriction following completion of construction. Satisfaction of this condition must be approved by the City Solicitor.
- Civic Space 2 must be dedicated to the public by a covenant or other deed restriction following completion of construction. Satisfaction of this condition must be approved by the City Solicitor.
- Civic Space 3 must be dedicated to the public by a covenant or other deed restriction following completion of construction. Satisfaction of this condition must be approved by the City Solicitor.
- Thoroughfare 1 ("Archibald Query Way") must be dedicated to the public by a covenant or other deed restriction following completion of construction. Satisfaction of this condition must be approved by the City Solicitor.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Rob Buchannan, *Clerk*
Jahan Habib
Erin Geno
Debbie Howitt Easton, *Alternate*
Russell Plides, *Alternate*



Sarah Lewis,
Director of Planning & Zoning

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 15.5.3.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

FOR SITE PLAN APPROVAL(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed City Clerk Date